

**REMARKS/ARGUMENTS**

**Amendments**

The claims are modified in the amendment. Specifically, claims 9 and 12 have been amended; claims 15 - 19 have been canceled; and claims 20 - 24 have been added. Therefore, claims 1 - 14 and 20 - 24 are present for examination. No new matter is added by these amendments. Applicants respectfully request reconsideration of this application as amended.

**35 U.S.C. §112 Rejection**

Claim 12 is rejected under 35 U.S.C. §112, second paragraph, being indefinite for failing to particularly point out and distinctly claim the subject matter. The Office Action states that there is no reference for encoding information to facilitate conversion to a third aspect ratio outside of claim 12, and thus there is insufficient antecedent basis for the limitation "wherein the information guides conversion between the first aspect ratio and a third aspect ratio." Applicants disagree as the information is open ended any can include many additional types of information. None-the-less, in the interests of quickly furthering prosecution, Applicants have amended claim 12 to include "a piece of information that guides conversion between the first aspect ratio and a third aspect ratio." For this reason, Applicants respectfully request withdrawal of this rejection to claim 12.

**35 U.S.C. §101 Rejection**

Claims 9 and 15 - 19 are rejected under 35 U.S.C. §101 because the claimed invention is allegedly directed to non-statutory subject matter. In the interest of quickly furthering prosecution, Applicants have canceled claim 15 - 19, which feature a "computer data signal embodied in a carrier wave." However, Applicants have amended claim 9 to features a

"tangible computer readable medium" to exclude the possibility of a signal type claim structure. For at least these reasons, Applicants respectfully request withdrawal of these rejections.

**35 U.S.C. §102 Rejection, Swart et al.**

The Office Action rejects claims 1 - 14 under 35 U.S.C. §102(e) as being anticipated by the cited portions of U.S. Patent Application Publication No. 2003/0025832 to Swart et al. (hereinafter "Swart").

Swart discloses a video and digital multimedia aggregator including a content decoder, coder and formatter. A content file may include a reference content or metadata that contains information related to the content, such as format (e.g., 4x3 television or 16x9 movies). See paragraph [0020] of Swart. Formatting or reformatting of content payload data may include processing operations, such as video aspect ratio format conversion (e.g., 4x3 television or 16x9 movies) (paragraph [0064] of Swart). However, Swart does not discuss any specifics regarding aspect ratio conversion techniques. In fact, the above two cited paragraphs are the only portions where Swart ever mentions aspect ratios. Indeed, Swart seems completely cumulative with the prior art techniques described in the background of the application shown in FIGs. 1-8.

On the other hand, the claimed invention specifically teaches aspect ratio conversion techniques using video conversion information that is remotely formulated. For example, "the video conversion information dynamically changes throughout playback of the video program" (claim 2), or "the information guides conversions that change at least once during the video program" (claim 13). Although Swart may include metadata including format information, there is no indication that aspect ratio formatting on the set top box uses that information in its algorithm. Likely, Swart merely does a vertical/horizontal stretch or letter/pillar boxing in its format conversion as is common in the prior art.

Furthermore, the conversion technique as per the claimed invention includes choosing proper apertures and assigning specific manipulations, such as non-linear scaling,

rotation, mirror effect, etc., for mapping the source video to the target video (paragraph [37] of the present specification). These advanced features are addressed in claims 6 and 7 as well as in new claim 20. New claims 21-24 generally relate to remotely specified manipulations that change during playback of the program. Nowhere in Swart do they discuss such techniques associated with the aspect ratio conversion. Swart makes reference to aspect ratio convention merely as an example of formatting or reformatting data, but adds nothing over the background section of the application.

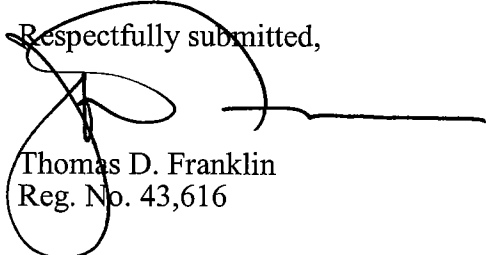
For at least this reason, Applicants respectfully request reconsideration of the anticipation rejection to claims 1 - 14.

### CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,

  
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